

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 APR 28 AM 9:48

08 MJ 1304
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Jose Marcos TAPETE-Gonzalez)

AKA: Jaime MARTINEZ- Gonzalez)

Defendant.)

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF ^{CD}

DEPUTY

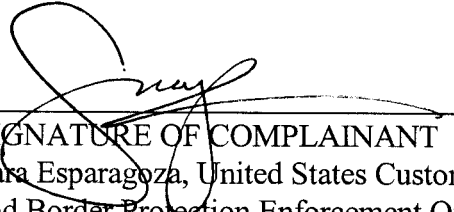
Title 8, U.S.C., Section 1326

Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about April 25, 2008, within the Southern District of California, defendant **Jose Marcos TAPETE-Gonzalez AKA: Jaime MARTINEZ-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the San Ysidro Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **28th** day of **April, 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Jacob James, declare under penalty of perjury the following to be true and correct:

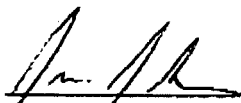
On April 25, 2008 at approximately 12:00 P.M., a male identified as Jose Marcos TAPETE-Gonzalez (Defendant) AKA MARTINEZ, Jaime Gonzalez, attempted to enter the United States from Mexico via the San Ysidro California Port of Entry. Defendant presented a DSP-150 Border Crosser Card bearing the name MORENO Valdez, Miguel Angel to a Customs and Border Protection (CBP) Officer. Defendant stated he was going to Chula Vista, California. CBP Officer suspected Defendant was an impostor to the DSP-150 Border Crosser Card. CBP Officer escorted Defendant to secondary for further inspection.

During secondary inspection Defendants fingerprints were queried using Integrated Automated Fingerprint Identification System (IAFIS). IAFIS confirmed Defendants identity as MARTINEZ, Jaime Gonzalez AKA Jose Marcos TAPETE-Gonzalez, with a date of birth of February 03, 1969.

Further queries utilizing the Immigration Central Index System (CIS) and Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico with no legal documents to enter the United States. DACS revealed Defendant was deported before an Immigration Judge on or about November 17, 1993. Defendants last removal was on or about April 17, 2008.

Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to legally re enter the United States.

EXECUTED ON THIS 25th DAY OF April, 2008 AT 2000.



Jacob James / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on April 25, 2008, in violation of Title 8, United States Code, Section 1326.



MAGISTRATE JUDGE

4-26-08 @ noon
DATE / TIME